

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES E. GRANT,

Petitioner,

ORDER

13-cv-374-bbc

v.

TRENTON SCHAEFER, et al.,

Respondents.

Petitioner James Grant, a prisoner housed at the Stanley Correctional Institution, has filed a document styled as a petition for writ of habeas corpus, but containing allegations that he was assaulted by Dane County jail staff in 2008. Usually when a petition for writ of habeas corpus contains allegations that belong in a civil action, the court will give petitioner a chance to decide whether to convert the case into a civil action.

However, petitioner has been sanctioned by this court for numerous previous frivolous filings: the clerk of court has been directed to return unfiled petitioner's filings in future cases until he has paid the \$10,343.79 he owes for his cases before this court and the court of appeals. Grant v. Dane County Jail, Case No. 09-cv-727-slc (Jan. 5, 2010). There are exceptions to this rule, such as that petitioner may file petitions for a writ of habeas corpus or complaints in which he alleges that he is in imminent danger of serious physical harm. Of course, petitioner is limited to filing *legitimate* habeas petitions, rather than civil

complaints shoehorned into habeas petitions, as is the case here. This pleading does not qualify under the imminent danger standard, as petitioner is discussing past harm at a different facility. Accordingly, IT IS ORDERED that this action is DISMISSED. The clerk of court is directed to add the \$5 filing fee for this habeas petition to petitioner's outstanding obligations.

Entered this 17th day of July, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge